

## FORM 32. Response to Notice to Advise of Scheduling Conflicts

Form 32  
March 2023

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**RESPONSE TO NOTICE TO ADVISE OF SCHEDULING CONFLICTS**

**Case Number:** 2023-1218 and 2023-1274

**Short Case Caption:** Sunoco Partners Marketing & Terminals L.P. v. Powder S

**Party Name(s):** Magellan Midstream Partners L.P.

**INFORMATION:** The court uses this form to determine whether and when to schedule cases for oral argument. Arguing counsel may be changed later, but a motion to reschedule is required once the court schedules argument. Please plan in advance to adhere to the limit on the number of arguing counsel in Fed. Cir. R. 34(e).

**Argument Waiver**     My party intends to waive oral argument.

NOTE: Filers checking this box must still complete the below sections. **The court may still schedule this case for oral argument even if any party intends to waive argument.** If scheduled, parties may still elect to waive argument using the response to notice of oral argument form.

**Other Parties Representing Interests**

Counsel for another party will represent my party's interests at oral argument

NOTE: If this box is checked, skip the remaining sections. Any argument date will be selected based on conflict dates for counsel arguing on behalf of your party.

<b>Name of Expected Arguing Counsel</b>	Nitika Gupta Fiorella
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**Dates Unavailable**

Do you have dates of unavailability within the specific sessions identified by the court's Notice to Advise of Scheduling Conflicts in your case?

Yes       No

If yes, attach a separate sheet listing **up to ten dates** of unavailability and **include a statement showing good cause for each date**. Dates without good cause or that do not pertain to arguing counsel (e.g., client conflicts) will not be accepted. The court will only accept dates for one counsel and only if that counsel has filed an entry of appearance. The Clerk's Office will evaluate and note accepted or rejected conflict dates; counsel may contact the Clerk's Office about re-filing if dates are rejected. See Fed. Cir. R. 34(d); Practice Notes to Rule 34.

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**Potential Case Conflicts**

Are there other pending cases before this court (regardless of case status) in which expected arguing counsel in this case also expects to argue?

Yes       No

If yes, attach a separate sheet listing those cases.

I certify the above information and any attached statement is complete and accurate. I further certify that I will update my notice should new conflicts arise or existing conflicts change.

Date: 02/13/2024

Signature: /s/ Nitika Gupta Fiorella

Name: Nitika Gupta Fiorella

**Case No.:** 2023-1218 and 2023-1274

**Short Case Caption:** *Sunoco Partners Marketing & Terminals L.P. v. Powder Springs Logistics, LLC, et al.*

**Party Name:** Magellan Midstream Partners L.P.

**Statement of Good Cause:**

I am counsel for Magellan Midstream Partners L.P. in Appeal Nos. 2023-1218 and 2023-1274 and will be conducting oral argument on its behalf. In accordance with Federal Circuit Rule 34, I write to inform the Court regarding my conflicts with the Court's Calendar for the April, and May sessions.

I am currently pregnant and have an April 15<sup>th</sup> due date. Because of my mid-April due date, I would not be able to attend argument during the April and May court weeks. My dates of unavailability are thus as follows:

- April 1-5, 2024
- May 6-10, 2024

**Potential Case Conflicts:**

Additional pending cases before this Court in which I intend to argue include:

- *Lytone v. AgroFresh*, No. 2022-2269
- *Tennant Co. v. Oxygenator Water Technologies, Inc.*, 22-2304
- *Samsung Electronics Co., Ltd. v. Neonode Smartphone LLC*, 23-1464

I declare under penalty of perjury under 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 13<sup>th</sup> day of February, 2024, at Wilmington, Delaware.

*/s/ Nitika Gupta Fiorella*  
Nitika Gupta Fiorella